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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

NGUYEN, BINH AN DUC

ART UNIT

PAPER NUMBER

3714

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/642,898	Applicant(s) NGUYEN ET AL.	
	Examiner Binh-An D. Nguyen	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-51 is/are pending in the application.
- 4a) Of the above claim(s) 1-25,30,32-35,38 and 42-51 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 26,27,31,36,37 and 39-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The Amendment filed June 30, 2008 has been received. According to the Amendment, claims 26, 31, and 36 have been amended; and claims 28 and 29 have been canceled.

Currently, claims 1-27 and 30-51 are pending in the application, wherein claims 1-25, 30, 32-35, and 38, 42-51 have been previously withdrawn due to non-elected invention.

Claims 26, 27, 31, 36, 37, and 39-41 are hereby examined on merit.
Acknowledgment has been made.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 26, 27, 31, 36, 37, and 39-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guinn et al. (6,039,648) in view of Graves et al. (5,830,067).

Referring to claims 26, Guinn et al. teaches a gaming method, comprising:
designating a gaming tournament time of a gaming tournament, the gaming tournament time having a start time and an end time (1:48-2:5); receiving enrollment data from a plurality of first players at respective player computers (2:29-67); enabling each of the player computers for playing at least one game in the gaming tournament during the

gaming tournament time (3:59-4:54); receiving enrollment data from a second player; and if the first winning player is determined, generating data indicative of a first value payout to be awarded to the first winning player (5:14-6:30).

Guinn et al. does not explicitly teach receiving enrollment data from a second player including authorization data indicative of the second player authorizing a software agent to play games in the gaming tournament on behalf of the second player, the software agent to be executed by a proxy computer; enabling the software agent to play at least one game via the proxy computer during the gaming tournament time; configuring a game playing behavior of the software agent to include configuring game playing behavior corresponding to categories of particular skill levels; determining a first winning player, if any, from the plurality of first players and the second player based on outcomes of the games played by the plurality of first players and the software agent; and if the first winning player is determined, generating data indicative of a first value payout to be awarded to the first winning player.

Graves et al., however, teaches a proxy player machine an method wherein software agent is authorized to play games on behalf of the player, the software agent to be executed by a proxy computer (2:18-66); enabling the software agent to play at least one game via the proxy computer during the game session (2:67-3:25); determining a first winning player, if any, from the plurality of first players and the second player based on outcomes of the games played by the plurality of first players and the software agent; and if the first winning player is determined, generating data indicative of a first value payout to be awarded to the first winning player (5:49-6:2).

Regarding the amended limitations of configuring a game playing behavior of the software agent to include configuring game playing behavior corresponding to categories of particular skill levels, these limitations are met by Graves et al.'s teaching of the proxy agent automatically observe client decisions thereby learning the remote's client's preference and strategies, (3:5-10); the proxy agent then explain to the remote client player what it has learned and asking whether it can take over the game (3:10-13). Note that, by learning from the remote client's preference and strategies and explaining what it has learned, the proxy agent would gain skills compatible to the remote client's. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide Graves et al.'s proxy players to the tournament game of Guinn et al. to allow game players to engage in multiple games with different playing options the same time that increase gaming excitements and participations thus bring forth more revenue to the casino.

Referring to claim 39, Guinn et al. teaches a tournament server (tournament scheduler computer and central server computer, Figs. 1, 2), comprising: a network interface; a controller operatively coupled to the network interface, the controller comprising a processor and a memory operatively coupled to the processor, the controller configured to: designate a gaming tournament time of a gaming tournament, the gaming tournament time having a start time and an end time (4:64-5:28); receive enrollment data from a plurality of first players at respective player computers operatively coupled to the tournament server via the network interface (3:59-4:16);

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enable each of the player computers for playing at least one game in the gaming tournament during the gaming tournament time; and receive enrollment data from a second player via the network interface (4:38-54). Guinn et al. does not explicitly teach receive enrollment data from a second player via the network interface, the enrollment data including authorization data indicative of the second player authorizing a software agent to play games in the gaming tournament on behalf of the second player, the software agent to be executed by a proxy computer; enable the software agent to play at least one game via the proxy computer during the gaming tournament time; determine a first winning player, if any, from the plurality of first players and the second player based on outcomes of the games played by the plurality of first players and the software agent; and if the first winning player is determined, generating data indicative of a first value payout to be awarded to the first winning player. Graves et al., however, teaches a proxy player machine wherein software agent is authorized to play games on behalf of the player, the software agent to be executed by a proxy computer (2:18-66); enabling the software agent to play at least one game via the proxy computer during the game session (2:67-3:25); determining a first winning player, if any, from the plurality of first players and the second player based on outcomes of the games played by the plurality of first players and the software agent; and if the first winning player is determined, generating data indicative of a first value payout to be awarded to the first winning player (5:49-6:2). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide Graves et al.'s proxy players to the tournament game of Guinn et al. to allow game players to engage in multiple games

with different playing options the same time that increase gaming excitements and participations thus bring forth more revenue to the casino.

Referring to claim 27, the limitations of determining a second winning player, if any, from the plurality of first players and the second player based on outcomes of the games played by the plurality of first players and the software agent; and if the second winning player is determined, generating data indicative of a second value payout to be awarded to the second winning player are inherent from the game tournament of Guinn et al. wherein the game winning results played by plurality of player are being determined.

Referring to claims 31, 36, and 37, Graves et al. further teaches configuring the game playing behavior of the software agent includes prompting the second player to answer a questionnaire (6:55-61); analyzing game playing behavior of the second player to generate behavior parameters (6:47-57); wherein configuring the game playing behavior of the software agent includes configuring the software agent to play according to the generated behavior parameters (2:60-3:13); and analyzing game playing behavior of the second player includes analyzing actions of the second player during game play (3:7-12; 6:55-65).

Regarding the limitations of proxy computer being separated from the tournament server, and wherein the proxy computer is operatively coupled to the tournament server via the network interface (claim 40); and the proxy computer comprises the tournament server (claim 41), since both the proxy computer and the server are computing device themselves, it would have been obvious to a person of

ordinary skill in the art at the time the invention was made to rearrange the machines within a network to come up with desirable and efficient network configuration.

Response to Arguments

Applicant's arguments filed June 30, 2008 have been fully considered but they are not persuasive.

Applicant argued that Guinn or Graves does not teach the amended limitations configuring a game playing behavior of the software agent to include configuring game playing behavior corresponding to categories of particular skill levels (applicant's remarks, page 16, lines 18-29) is deemed not to be persuasive. As being addressed above, the limitations of "configuring a game playing behavior of the software agent to include configuring game playing behavior corresponding to categories of particular skill levels, these limitations" are met by Graves et al.'s teaching of the proxy agent automatically observe client decisions thereby learning the remote's client's preference and strategies, (3:5-10); the proxy agent then explain to the remote client player what it has learned and asking whether it can take over the game (3:10-13). Note that, by learning from the remote client's preference and strategies and explaining what it has learned, the proxy agent would gain skills compatible to the remote client's.

Thus, the teaching of Guinn et al. in view of Graves et al. as being addressed above, therefore, made obvious applicant's claimed invention.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh-An D. Nguyen whose telephone number is 571-272-4440. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dmitry Suhol can be reached on 571-272-4430. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John M Hotaling II/
Supervisory Patent Examiner, Art Unit 3714

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